

Message Text

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ACTION L-03

INFO OCT-01 EUR-25 ISO-00 CU-04 USIA-15 DRC-01 RSC-01 LS-01

SSO-00 /051 W
----- 019973

P 041848Z JAN 74
FM AMEMBASSY BONN
TO SECSTATE WASHDC PRIORITY 9542

UNCLAS SECTION 01 OF 02 BONN 00206

FOR L/T; PLEASE PASS TO LANGUAGE SERVICES.

E.O. 11652: N/A
TAGS: SCUL
SUBJECT: AMENDMENTS TO FULBRIGHT AGREEMENT

REF: STATE 246659

1. BEVANS-BUSHONG MEMO OF DECEMBER 14 WAS RECEIVED HERE ONLY YESTERDAY. WE REGRET THAT WE WERE NOT AWARE EARLIER OF THE REQUIREMENT TO HAVE TEXTS OF BOTH NOTES SUBMITTED BEFORE SIGNATURE TO THE LANGUAGE SERVICE DIVISION. "CIRCULAR 175" IS NOT AVAILABLE AT THE EMBASSY.

2. WE ARE SUBMITTING HEREWITH THE TEXT OF THE US NOTE, TO BE PRESENTED IN ENGLISH ONLY. THE FONOFF NOTE, IN GERMAN, WILL INCLUDE THE TEXT OF THE US NOTE. IT WILL BE FORWARDED BY CABLE ON JANUARY 7. FOLLOWS TEXT.

3. HEADING: U.S. DEPARTMENT OF STATE; (NEW LINE) THE ASSISTANT SECRETARY FOR EDUCATIONAL AND CULTURAL AFFAIRS; (NEW LINE) JANUARY 11, 1974.

4. ADDRESSEE (LOWER LEFT): MINISTERIALDIREKTOR DR. HANS ARNOLD; DIRECTOR OF THE BUREAU FOR FOREIGN CULTURAL POLICY; FEDERAL FOREIGN OFFICE.

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5. TEXT OF NOTE: "SIR: I HAVE THE HONOR TO REFER TO

CONVERSATIONS BETWEEN REPRESENTATIVES OF OUR TWO GOVERNMENTS REGARDING THE 'AGREEMENT BETWEEN THE GOVERNMENTS OF THE UNITED STATES OF AMERICA AND THE FEDERAL REPUBLIC OF GERMANY FOR CONDUCTING CERTAIN EDUCATIONAL EXCHANGE PROGRAMS,' DATED NOVEMBER 20, 1962, AND TO CONFIRM THE UNDERSTANDING REACHED THAT SAID AGREEMENT SHOULD BE AMENDED AS FOLLOWS:

"1. THE SECOND AND THIRD PARAGRAPHS OF THE PREAMBLE ARE DELETED AND THE FOLLOWING PARAGRAPH IS INSERTED IN LIEU THEREOF:

'CONSIDERING THAT THIS EXCHANGE SHOULD BE ADAPTED TO PROGRESSIVE DEVELOPMENTS IN THE FIELD OF EDUCATION AND TRAINING IN THE TWO COUNTRIES AND TO THE INCREASINGLY CLOSE RELATIONS BETWEEN THEIR PEOPLES.'

"2. SUB-PARAGRAPH B OF PARAGRAPH 3, ARTICLE 1, IS MODIFIED TO READ AS FOLLOWS:

'FINANCING VISITS AND INTERCHANGES BETWEEN THE FEDERAL REPUBLIC OF GERMANY AND THE UNITED STATES OF AMERICA OF STUDENTS, ACADEMIC TRAINEES, RESEARCHERS, TEACHERS, EDUCATION SPECIALISTS, INSTRUCTORS, AND PROFESSORS.'

"3. SUB-PARAGRAPHS 2 AND 3 OF ARTICLE 4 ARE MODIFIED TO READ AS FOLLOWS:

'2) DESIGNATE, IN COOPERATION WITH THE BOARD OF FOREIGN SCHOLARSHIPS OF THE UNITED STATES OF AMERICA, STUDENTS, ACADEMIC TRAINEES, RESEARCHERS, TEACHERS, EDUCATION SPECIALISTS, INSTRUCTORS, AND PROFESSORS, RESIDENT IN THE FEDERAL REPUBLIC OF GERMANY, TO PARTICIPATE IN THE PROGRAM;

'3) APPROVE AND PLACE, IN COOPERATION WITH THE BOARD OF FOREIGN SCHOLARSHIPS OF THE UNITED STATES OF AMERICA, STUDENTS, ACADEMIC TRAINEES, RESEARCHERS, TEACHERS, EDUCATION SPECIALISTS, INSTRUCTORS, AND PROFESSORS, RESIDENT IN THE UNITED STATES OF AMERICA, TO PARTICIPATE IN THE PROGRAM.'

"4. THE FIRST SENTENCE OF SUB-PARAGRAPH 4 OF ARTICLE 4 IS MODIFIED TO READ AS FOLLOWS:

'4) ELECT FROM ITS MEMBERSHIP A TREASURER AND AUTHORIZE HIM TO RECEIVE FUNDS TO BE DEPOSITED IN A BANK ACCOUNT OF THE COMMISSION.'

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"5. THE FOLLOWING PARAGRAPH IS ADDED TO PARAGRAPH 1 OF ARTICLE 5:

THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA AGREE THAT A SATISFACTORY FULFILLMENT OF THE PURPOSES OF THIS AGREEMENT NECESSITATES LONG-TERM PLANNING. BOTH GOVERNMENTS SHALL TO THE EXTENT POSSIBLE MAKE SURE THAT FINANCING WILL BE PROVIDED ON A SCALE COMMENSURATE

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INFO OCT-01 EUR-25 ISO-00 USIA-15 LS-01 CU-04 DRC-01 RSC-01

SSO-00 /051 W
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P 041848Z JAN 74
FM AMEMBASSY BONN
TO SECSTATE WASHDC PRIORITY 9543

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WITH THE IMPORTANCE AND PURPOSES OF THIS AGREEMENT.
ACCORDINGLY, THE COMMISSION SHALL BASE ITS PROGRAM
PLANNING ON A THREE-YEAR PERIOD, USING AS ITS POINT OF
DEPARTURE WITH RESPECT TO THE FUNDS REQUIRED ANNUALLY
THE BUDGET OF THE ACADEMIC YEAR 1973-74.'

"6. THE INTRODUCTORY CLAUSE OF ARTICLE 7 IS MODIFIED
TO READ AS FOLLOWS:

THE COMMISSION'S SECRETARIAT SHALL BE AT OR NEAR
THE SEAT OF THE GOVERNMENT OF THE FEDERAL REPUBLIC OF
GERMANY.'

"7. ARTICLE 8 IS REWORDED AS FOLLOWS:

THE FUNDS NEEDED BY THE COMMISSION IN ORDER TO
ACHIEVE THE AIMS OF THIS AGREEMENT WILL BE MADE AVAIL-
ABLE BY THE GOVERNMENT OF THE FEDERAL REPUBLIC OF
GERMANY AND THE GOVERNMENT OF THE UNITED STATES OF
AMERICA, IN ACCORDANCE WITH THE BUDGET AS APPROVED
UNDER ARTICLE 5. THE GOVERNMENT OF THE FEDERAL REPUB-
LIC OF GERMANY AND THE GOVERNMENT OF THE UNITED STATES
OF AMERICA WILL ACT ON THE CONVICTION THAT THE PROJECTS
PROMOTED BY THIS AGREEMENT CONSTITUTE A JOINT GERMAN-
AMERICAN PROGRAM WHICH THE TWO SIDES HAVE A LIKE
INTEREST IN MAINTAINING AND FINANCING AND WHICH IS
THEREFORE A CONCERN OF BOTH STATES. PROCEEDING FROM
THIS BASIC INTEREST TO ACHIEVE PARITY FINANCING, THE

TWO GOVERNMENTS WILL COME TO A YEARLY AGREEMENT AS TO
THE AMOUNT OF THEIR SHARES. THE CONSUMMATION OF THE
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AGREEMENT WILL BE SUBJECT TO THE AVAILABILITY OF LEGAL
AUTHORIZATION AND REQUIRED FUNDS TO BOTH GOVERNMENTS.

'IN ADDITION TO THE FUNDS PROVIDED FOR IN THE
PRECEDING PARAGRAPH, THE COMMISSION WILL, IN ORDER TO
CARRY OUT THIS AGREEMENT, HAVE AT ITS DISPOSAL FUNDS
AND PROPERTY MADE AVAILABLE TO IT SINCE ITS ESTABLISH-
MENT BY THE GOVERNMENT OF THE FEDERAL REPUBLIC OF
GERMANY AND THE GOVERNMENT OF THE UNITED STATES OF
AMERICA.

'THE TWO GOVERNMENTS FURTHER AGREE THAT SPECIAL
ALLOCATIONS RECEIVED BY THE COMMISSION FROM EITHER
GOVERNMENT MAY ALSO BE USED FOR THE PURPOSES OF THIS
AGREEMENT.

'ALL FUNDS AND ALL INTEREST OR OTHER EARNINGS
DERIVED FROM THE INVESTMENT OR FURTHER USE OF THESE
FUNDS AND ALL ALLOCATIONS RECEIVED BY THE COMMISSION
FROM ANY OTHER SOURCE MAY BE USED IN ACCORDANCE WITH
THE ANNUAL BUDGET APPROVED UNDER ARTICLE 5.'

"IF THE FOREGOING PROPOSALS ARE ACCEPTABLE TO THE
GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY, I HAVE
THE HONOR TO SUGGEST THAT THIS NOTE TOGETHER WITH YOUR
REPLY IN THAT SENSE SHALL CONSTITUTE AN AGREEMENT
BETWEEN OUR TWO GOVERNMENTS AMENDING THE SAID AGREEMENT
OF NOVEMBER 20, 1962, WITH EFFECT FROM THE DATE OF
YOUR REPLY.

"ACCEPT, SIR, THE ASSURANCES OF MY HIGHEST CONSIDERA-
TION.

"FOR THE SECRETARY OF STATE:
(SIGNED) JOHN RICHARDSON, JR."

END TEXT.

6. THE ADDITION OF THE WORD "REQUIRED" AT THE END OF
PARA ONE OF ARTICLE 8 ("... AVAILABILITY OF LEGAL
AUTHORIZATION AND REQUIRED FUNDS ...") WAS MADE AT THE
INSISTANCE OF THE FONOFF. SO WAS "ACCEPTABLE TO THE
GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY" (IN-
STEAD OF "ACCEPTABLE TO YOU") IN THE PENULTIMATE
PARAGRAPH OF THE NOTE.

7. IF THE US NOTE IS TO CARRY A DATE-PLACE LINE,
SHOULD IT BE WASHINGTON OR BONN?

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8. REQUEST APPROVAL AND/OR COMMENTS BY COB JANUARY 7.

HILLENBRAND

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